

Tohono O'odham Utility Authority

2014 Tribal Government Engagement Report

The Tohono O'odham Utility Authority ("TOUA") is an enterprise of the Tohono O'odham Tribe ("Tribe"), established by the Tribe's Legislative Council in 1970, by Resolution No. 18-70 approving the Plan of Operation for TOUA.

TOUA currently operates in accordance with the requirements of the Second Restated Plan of Operation ("Plan of Operation"), approved by the Tribe's Legislative Council, by Resolution No. 328-90. The Plan of Operation defines TOUA's purpose and establishes a Management Board to direct the purpose, subject to applicable laws and regulations of the Tribe. In accordance with the Plan of Operation, The Management Board consists of seven Directors, three of which are required to be members of the Tribe. The other four Directors must have business management experience and three of them must have experience in management and operations of a utility business.

The Plan of Operation empowers that Management Board to establish business plans to provide utility services to the Tribe, within the boundaries of the reservation, to establish policies, rules and regulations for service. It also empowers the Management Board to adopt rates and charges for utility services and requires a public hearing on rates and charges if requested by petition, filed by five percent (5%) of the affected customers.

The Plan of Operation grants TOUA, subject to all applicable federal laws and the laws of the Tribe, the right to use any franchise, right, permit, privilege, easement or right of way standing in the name of or granted to the Tribe in conjunction with the utility systems, lines or facilities furnishing, electric, gas, water, sewer, telephone or cellular service.

The Plan of Operation requires that the Chairperson of the Management Board and the General Manager appear before the Tribes Legislative Council to make an annual report. The presentation before the Legislative Council is broadcast over the Tribes radio station. TOUA's annual report provides information on the previous year's operations, including both financial and operational statistics. It also provides information on capital improvement projects that were completed and information on plans for the current year. As a part of the annual report, the General Manager responds to questions about the information provided in annual report and also addresses Council members concerns and questions about service issues and strategic planning issues.

In addition General Manager makes a separate presentation of the annual report to the Chairman and Vice Chairman of the Tribe during which they discuss service and planning concerns. Within the governance structure of the Tribe, the Legislative Council has various committees which have responsibility of oversight for various tribal departments and the Tribes enterprises. The purpose and membership of each committee is established by action of the Legislative Council and the committee membership is comprised of Legislative Council members. The Legislative Council Commerce Committee has oversight responsibilities for TOUA. The General Manager also meets independently with the Commerce Committee to present TOUA's annual report and discuss concerns share plans for the next year.

Throughout the year TOUA management meets with and coordinates planning and operational activities with various departments of the Tribe, as needed or required by tribal law and regulations. TOUA regularly works with the Tribes Reality Office on easement issues; collaborates with the Planning and Economic Development Department in developing economic development plans; Department of Information and Technology to address plans and service requirements for the Tribe's government offices, public safety and fire departments. TOUA also

works with the educational facilities on the reservation to develop telephone and broadband services needed to fulfill their requirements and improve the educational opportunities.

TOUA has a Public Relations staff person that is a member of the Tribe that helps to develop all promotional marketing material addressing any cultural sensitive issues. TOUA has 111 full time employees and over 80% are Native Americans and or members of the Tribe. The telephone Department has 32 employees, all of which are Native American.

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TOHONO O'ODHAM UTILITY AUTHORITY
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LINK UP TERMS AND CONDITIONS

TRIBAL LINK UP

General

Tribal Link Up is a program designed to increase the availability of telecommunications services to low income subscribers residing on federally recognized Tribal lands by providing a credit to the non-recurring installation and service charges to qualifying residential subscribers.

Regulations

- A. Customers eligible under Tribal Link Up are also eligible for monthly recurring assistance under the Tribal Lifeline program following.
- B. One Tribal Link Up connection assistance is available per household and is applicable to the primary residential connection only.
- C. The Tribal Link Up credit is available a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was provided previously.
- D. To receive the credit, proof of eligibility must be provided prior to installation of service.
- E. The total tariffed charges for connecting service, including service and any other applicable installation charges, are considered in the credit calculation.

Eligibility

- A. To be eligible for a Tribal Link Up credit, in addition to meeting the tribal land residency requirement, the customer, a dependent, or a member of the household must be a current recipient of any of the following low income assistance programs.
 - 1. Temporary Assistance to Needy Families (TANF) or EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility)
 - 2. Supplemental Security Income (SSI)
 - 3. Supplemental Nutrition Assistance Program (SNAP) or Nutrition Assistance
 - 4. Medicaid or Arizona Healthcare Cost Containment System
 - 5. Low-Income Home Energy Assistance Plan (LIHEAP)
 - 6. Federal Public Housing Assistance or Section 8
 - 7. National School Lunch Program's free lunch program
 - 8. BIA (Bureau of Indian Affairs) General Assistance

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TRIBAL LINK UP (Cont'd)

Eligibility (Cont'd)

9. Tribally administered Temporary Assistance for Needy Families (TANF)
 10. Head Start Program (income eligible)
 11. Food Distribution Program on Indian Reservations
- B. Additionally, customers not receiving benefits under one of the preceding programs, and whose household's total gross annual income does not exceed one hundred and thirty-five percent (135%) of the Federal Poverty Guidelines, meet the requirements for eligibility.
- C. All applications for service are subject to verification of the qualifying program.

Certification

- A. Proof of eligibility in any of the qualifying low income assistance programs should be provided by the eligible Tribal Link Up subscriber to the Company at the time of application for service. The Tribal Link Up credit will not be established until the Company has received proof of eligibility. If the customer requests installation without proof of eligibility, the requested service will be provided without the Tribal Link Up credit.
- B. Each Tribal Link Up subscriber must provide documentation of income-based or program-based eligibility and certify in writing to the Company, under penalty of perjury, that s/he receives benefits under a program, and must on that same document, agree to notify the Company if s/he ceases to participate in the program(s) or to meet income eligibility requirements. The certification form shall conform to the requirements described herein, and shall be made available upon request to any subscriber. The Company shall retain all such subscriber certifications in order to furnish proof of subscriber eligibility as may be required from time to time by Universal Service administrators.
- C. The use or disclosure of information concerning enrollees will be limited to purposes directly connected with the administration of the Tribal Link Up program.

Credit

- A. The federal credit available for a Tribal Link Up connection is a one hundred percent (100%) reduction, up to one hundred dollars (\$100.00), of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence.
- B. Upon request, qualifying residents may also receive a deferred schedule of payments of up to two hundred dollars (\$200), and any interest charges associated with the connection charge shall be deferred for a period not longer than one (1) year.

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LIFELINE TERMS AND CONDITIONS

TRIBAL LIFELINE

General

- A. Tribal Lifeline Assistance is a non-transferable retail service offering for which qualifying low-income subscribers pay reduced charges, as provided for below. Tribal Lifeline Assistance enables eligible subscribers to pay reduced charges for voice telephony service that includes the following services: voice-grade access to the public switched network; local usage; access to emergency services; and toll limitation.
- B. The Tribal Lifeline credit available to an eligible customer residing on TOUA tribal land is equal to the total federal support as established by the Federal Communications. The amount of credit will not exceed the charge for local service, which includes the access line, the Subscriber Line Charge and local usage.
- C. The Company shall apply the baseline payments received by the administrator of the federal Lifeline Assistance program to waive the qualifying customer's federal Subscriber Line Charge. The Company shall apply any additional federal support amount to the qualifying customer's basic local exchange service rate.
- D. The Tribal Lifeline Program reduction to voice telephony service shall apply only to residential service. Qualifying customers must subscribe to a generally available residential service plan or package that includes voice telephony service that is made available in the Company's service area.
- E. Partial payments that are received from Tribal Lifeline customers shall first be applied to voice telephony charges and then to any outstanding charges for additional services.
- F. Nothing in this Section shall prohibit a customer who is otherwise eligible for the Tribal Lifeline Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.
- G. Residents of the TOUA tribal land who are eligible to receive Tribal Lifeline are also eligible to receive Tribal Link Up assistance for service charges under Link up preceding.
- H. The Tribal Lifeline Program rate will not be available on a retroactive basis.

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TRIBAL LIFELINE (Cont'd)

Eligibility and Certification Requirements

- A. To be eligible for Tribal Lifeline assistance, in addition to meeting the tribal land residency requirement, the customer, a dependent, or a member of the household must be a current recipient of any of the following low income assistance programs.
1. Temporary Assistance to Needy Families (TANF) or EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility)
 2. Supplemental Security Income (SSI)
 3. Supplemental Nutrition Assistance Program (SNAP) or Nutrition Assistance
 4. Medicaid or Arizona Healthcare Cost Containment System
 5. Low-Income Home Energy Assistance Plan (LIHEAP)
 6. Federal Public Housing Assistance or Section 8
 7. National School Lunch Program's free lunch program
 8. BIA (Bureau of Indian Affairs) General Assistance
 9. Tribally administered Temporary Assistance for Needy Families (TANF)
 10. Head Start Program (income eligible)
 11. Food Distribution Program on Indian Reservations
- B. Additionally, customers not receiving benefits under one of the preceding programs, and whose household's total gross annual income does not exceed one hundred and thirty-five percent (135%) of the Federal Poverty Guidelines, meet the requirements for eligibility.
- C. Each subscriber to Tribal Lifeline must provide documentation of income-based or program-based eligibility and certify in writing to the Company, under penalty of perjury, that s/he receives benefits under a program outlined in paragraph A. above, and must on that same document, agree to notify the Company if s/he ceases to participate in the program(s) or to meet income eligibility requirements. The certification form shall conform to the requirements described herein, and shall be made available upon request to any subscriber. The Company shall retain all such subscriber certifications in order to furnish proof of subscriber eligibility as may be required from time to time by Universal Service administrators.
- D. A subscriber may elect at the time of subscription to Tribal Lifeline Assistance to receive toll restriction as part of Tribal Lifeline Assistance. "Toll Restriction" is a service that allows a subscriber to elect not to allow the completion of outgoing toll calls from the subscriber's residence.

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TRIBAL LIFELINE (Cont'd)

Restrictions

Only one Tribal Lifeline Assistance credit is available per household.

Recertification

Customers must recertify on an annual basis that their household continues to qualify for the discounted service.

Credit and Collection

A. Credit References

The credit verification procedures used for all applicants who apply for service with the Company will also be used for applicants who apply for service under the Tribal Lifeline Program.

B. Deposits

The Company may not collect a service deposit in order to initiate Tribal Lifeline Assistance if the qualifying low-income subscriber voluntarily elects toll restriction from the Company, where available or if the qualifying low-income subscriber elects a calling plan that does not distinguish between toll and non-toll calls in its pricing. If toll restriction is unavailable, then the Company may charge a service deposit.

Service Connection Charges

A. Secondary Service charges do not apply to eligible customers with existing residential access line service when they convert to the Tribal Lifeline Program.

B. Service Connection Charges will apply when:

1. Existing eligible residential Local Exchange Service customers also convert to a different grade of eligible residential service and/or Optional Calling Services at the time the Tribal Lifeline Program billing is initiated.
2. A customer receiving Tribal Lifeline Program billing voluntarily elects to convert to telephone service arrangements which preclude Lifeline Program eligibility.

C. Any subsequent service changes after the initial connection to the Tribal Lifeline Program will be subject to the applicable tariffed Service Charges .

Tohono O'odham Utility Authority (SAC 452173)

Response to Line 3010 – Milestone Certification (47 CFR §54.313(f)(1)(i))

Tohono O'odham Utility Authority hereby certifies that throughout 2014, it took reasonable steps to provide upon reasonable request broadband service at actual speeds of at least 4 Mbps downstream/1 Mbps upstream, and currently, it is taking reasonable steps to provide upon reasonable request actual speeds of at least 10 Mbps downstream/1 Mbps upstream broadband service at with latency suitable for real-time applications, including Voice over Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas as determined in an annual survey, and that requests for such service are met within a reasonable amount of time.

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**Response to Line 3012 - List of Community Anchor Institutions to Which the ETC Newly
Began Providing Service**

The FCC's *USF/ICC Transformation Order* requires a listing of community anchor institutions to which the ETC newly began providing broadband service. Tohono O'Odham Utility Authority ("TOUA") did not newly begin providing community anchor institutions with access to broadband service in calendar year 2014.

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ATTACHMENT - LINE 3017

ATTACHMENT REDACTED IN ENTIRETY